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ABSTRACT

The booklet outlines Michigan's procedures for providing educational programs in juvenile detention facilities, with emphasis on special education programing. The following topics are addressed: education responsibility, interagency agreements and relationships (cooperation among juvenile courts, detention facilities, and operating school districts); student placement into a special education program; notification of educational placement; the individualized education plan; the education program (need for planning, individualization); support services (operating and intermediate school districts, juvenile detention facility, juvenile court, and community agencies); the education staff (roles of teachers and paraprofessionals, effective inservice training); education records; funding options for education programs; and program evaluation. Specific state rules and regulations are referred to throughout the manual. Appended material includes information on reimbursement of teacher aides and funding options. (CL)

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The Special Education Process in Michigan

Program Suggestions for Juvenile Detention Facilities

Michigan State Board of Education
Special Education Services

EC171121

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These program suggestions are presented to persons involved in the delivery of Special Education Programs and Services in Juvenile Detention Facilities by the Michigan Department of Education, Special Education Services Area, Analysis, Planning and Technical Assistance Unit, with the assistance of Federal funds made available through Title VI, Part B funds from Education of the Handicapped Act, P.L. 94-142. Media coordinator Susan Moore. Drawings by Nancy Hurd.

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PROGRAM SUGGESTIONS FOR THE PROVISION OF PROGRAMS AND SERVICES TO HANDICAPPED YOUTH IN JUVENILE DETENTION FACILITIES

Published, September 1982

FORWARD

The State Department of Education is very plased to present this document. The informa:ion contained in the program suggestions will provide considerable insight and direction to individuals responsible for implementing special education programs in juvenile detention facilities.

Many individuals have contributed their ideas, thoughts, and professional expertise in the development of this information and it is anticipated that the educatior. program in juvenile detention facilities will be improved as a result of their effort. This document addresses many of the complex issues involved in providing special education programs to youth who are in juvenile detention facilities, as well as to provide direction for improving the education programs and services in these facilities.

The State Board of Education is hopeful that the reader will find the program suggestions useful and that programs will be more effective as a result of this information.

Phillip E. Runkel
Superintendent of Public Instruction

ACKNOWLEDGMENTS

The Special Education Services Area of the Michigan Department of Education sincerely appreciates the assistance and willingness of the many individuals who contributed to the development of these program suggestions. These individuals spent a significant amount of their professional and personal time in developing the concepts and ideas for these program suggestions. They represent a broad spectrum of individuals, agencies, and organizations committed to providing effective programs for students in juvenile detention facilities.

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INTRODUCTION

The majority of school age youth attend educational programs in public schools located within their district of residence. There are some youth however, who receive their education in juvenile detention facilites located throughout our state. For the purpose of this document, a juvenile detention facility is defined as a county or state operated restricted or semirestricted facility for the temporary care of pre and post dispositional children on a twenty-four hour basis. These youth are placed into a detention facility by the Probate Court and may be detained for a short period of time or for several months.

Being detained in a juvenile detention facility does not absolve society from providing an educational program for its youth. School age youth, handicapped or non-handicapped, have a right to receive an education. Because the youth are under the jurisdiction of the court, the Juvenile Division of the Probate Court is responsible to see that an educational program is available to youth in detention facilities.

Educational programs in juvenile detention facilities can be operated in one of three ways. The first way is for the Probate Court to operate the program, hire their own staff and provide the instruction in accordance with the appropriate school laws and rules. The second way to is to operate under contract with a public school without special education reimbursed teachers. If this option is chosen, the public school district is responsible to provide special education programs and services (pursuant to Special Education Administrative Rules) to eligible handicapped students in the detention facility. The third way is to operate the educational program with special education staff. If this option is chosen, the educational program is also subject to special education regulations, but is the beneficiary of special education funds to assist with educational costs.

These program suggestions are designed to provide direction and to offer assistance to persons responsible for the educational programs in juvenile detention facilities. While the content is generally applicable to educational programs in all juvenile detention facilities, the document was designed specifically for those programs that are under the direction of special education reimbursed personnel.

EDUCATION RESPONSIBILITY

The Juvenile Division of the Probate Court is responsible for education of youth placed in juvenile detention facilities. It is important to note that there are laws and rules other than education to consider. For example, The Michigan Juvenile Code (Revised 1973) indicates under Rule 712A.16 that if a detention home is established as an agency of the court by the board of supervisors, it must comply with State Department of Social Services (DDS) licensing standards. The Department of Social Service's **Rules and Regulations for Inspection of Juvenile Detention Homes** of July 1966 state in Rule 22, that:

> *Means shall be provided for the education of those children who remain in the detention home for any length of time, in accordance with the ability and need of the individual child, and in as close an approximation to the normal school system as possible. If it becomes necessary to provide education within the detention home, the teaching facilities and equipment shall have the approval of the State Department of Public Instruction. (Department of Education)*

Traditionally, the Juvenile Division of the Probate Court and the public schools have worked together to provide an education for detained youth. How the court provides the *means* for the education program is a decision that can only be made by the juvenile detention facility administrators, the court, and the county board of commissioners.

The intermediate school district (ISD) may provide an education program to juveniles in the detention facility, but the ISD is not required by law to do so. Section 340.628 of the School Code of 1976 does allow the intermediate school district to establish a school for persons who live in a juvenile detention facility; however, the law is optional in that the word *may* precedes the body of the rule. Therefore, the court may decide to operate the education program itself, or to contract for these services from the local or intermediate school district.

In summary, availability of education programs for youth detained in juvenile detention facilities is mandatory. The court is responsible to provide the *means* for the educational program for those children who remain in the juvenile detention facility.

INTERAGENCY AGREEMENTS AND RELATIONSHIP

The relationship between the juvenile court, the juvenile detention facility and the operating school district is unique within our educational delivery system. A cooperative and working relationship is important in addressing the educational needs of the youth placed into the detention facility, particularly if the education program is operated by the public school. In this instance, the education program should be initiated through an interagency agreement between the local or intermediate school district where the facility is located and the juvenile court which operates the juvenile detention facility. This agreement should reflect the cooperative efforts between the two groups and clearly define the responsibilities and obligations of each. The cooperative agreement should specify the responsibilities of each party for the delivering of educational programs and services and for covering costs related to implementation of the educational program. A good cooperative agreement will facilitate better working relationships, efficient utilization of personnel and services, and a coordinated approach to improve services to students and parents involved in the program.

The Juvenile Court

As noted earlier, the Juvenile Division of the Probate Court may operate a Juvenile Detention Facility as an agency of the Court if provisions for direct operation are authorized and financed by the local Board of Commissioners. If the Board of Commissioners authorizes a juvenile detention facility, the Court must provide the programs and services in accordance with the Department of Social Services **Rules and Regulations for Inspection of Juvenile Detention Homes** dated July 1966.

The Juvenile Court should work cooperatively with other agencies and school districts in facilitating the education of children placed in the juvenile detention facility, as well as assuring compliance with appropriate state laws and rules. If it appears that the laws and rules of the Court are not in concert with various education laws and rules, it is recommended that the Court, the Department of Social Services, and the Department of Education resolve the differences in a positive, appropriate manner.

The Juvenile Detention Facility

Administrators and staff of a juvenile detention facility should consider the detention school program to be an integral part of the total detention program. Detention facility staff should be supportive of the school program and school staff in every way possible. Aside from court appearances, the students education program should be given top priority. Detention staff should stress the importance and expectation that each child be meaningfully involved in the school program. The school program should be included in any detention reinforcement program (e.g., token economy, point system, etc.) if at all possible. Any information known to the detention facility staff which could affect a child's program or behavior in school should be shared with school staff (e.g., information reported by the probation officer, behavior observed in detention, known physical problems, etc.). The detention facility adminis-

tration should expect and receive regular feedback from the school staff regarding the child's performance and achievement in the school program.

In addition, the juvenile court may provide many valuable services to youth, such as case-workers to work directly with youth, parents, school, etc. In some cases, the court may be able to provide institutional alternatives for youth or direct therapy to youth. Examples include aid and support in finding appropriate foster homes, group homes or residential programs for youth who require out-of-home services.

The Operating School District

The operating school district and the juvenile detention facility should work in a cooperative manner and jointly participate, whenever possible, in the planning of educational and/or treatment programs upon release. This cooperative endeavor should involve teachers from the operating district as well as those teaching in the detention facility. Consultation support from the public schools to both court staff and educational staff is one means of achieving a smooth transition. The juvenile court may also provide a liaison consultant to local school districts.

The public school district could provide educational services in addition to the above mentioned consultation service. These may include:

1. diagnostic evaluations
2. specialized programs
3. alternative education
4. special education programs for identified handicapped students
5. historical and educational insight for court staff
6. attendance at and the providing of information at meetings such as individualized educational planning committees (IEPCs).
7. educational planning for youth returning from placements outside of the district.

STUDENT PLACEMENT INTO A SPECIAL EDUCATION PROGRAM

The Administrative rule for special education that pertains to juvenile detention facilities is R 340.1757. It follows:

R 340.1757. Other related educational services for youth placed in juvenile detention facilities.

Rule 57. *Specific requirements for educational services conducted for youth placed in juvenile detention facilities are as follows:*

(a) *Programs shall be initiated with 5 calendar days after admission. If a person placed in a juvenile detention facility is suspected of being handicapped, the procedure outlined in part 2 of these rules shall be immediately followed.*

(b) *Notification of educational placement shall be sent to the superintendent of the district of residence within 5 days after the date of entry of a person into the educational program in a juvenile detention facility.*

(c) *Education reports for each person educated in a juvenile detention facility shall be sent by certified mail to the superintendent of the district of residence, with the consent of the parent, within 5 school days from the date of release from the facility.*

(d) *Special education reimbursed personnel may provide educational services for nonhandicapped persons persons placed in the facility, if the programs comply with both of the following:*

(i) They are under the supervision of a teacher approved in the area of the emotionally impaired.

(ii) They have not more than 10 students in a class at any one time.

Educational programs shall be initiated for all students within five calendar days after admission. Initial screening should be completed on all students as soon as they enter the education program. This information will aid education personnel in locating appropriate instructional materials and identifying students who may be handicapped. Background information and school records should also be requested from the sending school district.

The screening process should begin as soon as the youth enters the education program. The process may include all or portions of the following types of assessments, depending upon the specific needs of each youth entering the program; 1) social history (may be provided by the court), 2) review of previous school records, 3) behavioral assessment, 4) academic assessment, 5) perceptual motor assessment, 6) medical/physical information, and 7) any other types of assessment which may be appropriate.

Students who have been previously declared handicapped may be placed immediately in a classroom program. In this instance, the school must convene the IEPC to review the previous IEP to determine if it is still appropriate, or modify it to reflect the student's present needs.

Students suspected of being handicapped shall be referred for diagnosis and assessment. This assessment is completed by staff of the school district providing the special education programs and services with help by appropriate court staff. Parental consent for evaluation shall be sought. However, if the parent or guardian is unable or unwilling to give consent, the court may appoint a designee in lieu of the parent so that the youth may be evaluated.

Upon completion of the evaluation by the multidisciplinary evaluation team (MET) (R 340.1721a), the MET will forward their report with recommendations to the designated chairperson of the individualized educational planning committee. The chairperson will review the report and then discuss the student's anticipated length of stay with appropriate court staff. If it is determined that the student will leave within the next few weeks, a referral should be prepared for the receiving school indicating that the student is suspected of being handicapped and that the student should have an IEPC convened to determine eligibility for special education programs and services.

If it is anticipated that the suspected handicapped student will remain in the program beyond six weeks, an IEPC shall be held. The participants at the meeting shall include the following:

1. A representative of the school district other than the student's teacher, who is qualified to provide and/or supervise the provision of special education.
2. The student's teacher.
3. The student's parents or guardian must be invited to participate.
4. The student when appropriate.
5. A member of the MET.
6. Other individuals at the descretion of the parent or the juvenile detention facility.

The IEPC shall review the MET report and recommendations, as well as receive information from other IEPC members prior to determining eligibility in accordance with R 340.1721(d). If the student meets the eligibility requirements in R 340.1703-14, the IEPC shall declare the student as handicapped (by specific rule) and prepare an IEP for the student in accordance with R 340.1721(e) of the special education rules.

NOTIFICATION OF EDUCATIONAL PLACEMENT

In accordance with R 340.1757(b), notification of educational placement in the detention facility shall be sent to the superintendent of the resident district (or designee) within five days after the date of entry into the detention educational program. This notification serves to inform the district of residence that the student is enrolled in the detention program. The Detention school should designate the individual who shall be responsible for notifying the school district of residence. That individual should document in writing, the name of the student, the date of contact with the sending (resident) school district, person(s) contacted, and information released.

INDIVIDUALIZED EDUCATION PLAN

All students entering the education program under R 340.1757 *Other related education services for youth placed in juvenile detention facilities* or receiving ancillary and other related services should have an education plan developed for them in accordance with their individual needs. Students who are not handicapped should have a plan developed which approximates the students' regular education curriculum. These students should follow the curriculum established in their resident school district for general education students.

Handicapped students, however, must have a completed individualized education plan (IEP), and it must contain the information required in R 340.1721e(3).

R 340.1721e. *Individualized educational planning committee meeting; determination of eligibility for special education programs and services; individualized education program.*

(3) *An individualized education program shall be based on all diagnostic, medical and other evaluative information requested by the committee or provided by the parent or handicapped person and shall include all of the following information in writing:*

(a) *A statement of the person's present level of educational performance.*

(b) *A statement of annual goals, including short-term instructional objectives.*

(c) *The projected dates for initiation of services and the anticipated duration of the services.*

(d) *Appropriate objective criteria and evaluation procedures and schedules for determining whether the instructional objectives are being achieved.*

(e) *A statement of the specific special education and related services to be provided to the person, giving consideration to the accessibility of physical facilities; transportation, including the need, if any, for aids or restraints; and room and board.*

(f) *The extent to which the person is able to participate in regular education programs.*

(4) *Any participant in the committee's deliberations who disagrees, in whole or in part, with the committee's determination may indicate the reasons therefore on the committee's individualized education program report or may submit a written statement to be attached to the report.*

In some instances, the IEPC may identify a student who is eligible for programs or services in other impairment catagories (other than EI), such as a mental impairment or learning disabilities. In this instance, the IEP should state the correct impairment category and the programs and services to be provided by officially designated title and rule number. **Example: Educable Mentally Impaired Program, R 340.1741.**

EDUCATION PROGRAM

The education program must be planned, developed and implemented on the basis of the identified needs assessment of all students in the juvenile detention facility. This needs assessment must take into consideration the fact that many of the students have exhibited emotional and adjustment problems prior to coming to the program. Some examples include acting out behavior, school failure, withdrawl, poor self-concept, and low achievement levels. Staff must assess these student needs and develop a school program and curriculum that can create an interest and desire on the part of the student so that the student will actively participate in the learning process.

The goals of the education program should be clearly stated, reviewed periodically for relevance, and adhered to at all times. These goals and objectives should be developed by the operating district in cooperaton with detention facility staff. The goals should reflect the social, academic and personal needs of the students and they should be understood by all staff persons involved in the facility . Jointly developed program goals and objectives will provide a comprehensive education for students as well as providing greater interagency understandings. By having clearly defined goals, the curriculum can be developed to address the specific instructional objectives for each handicapped student in the *cognitive, affective, and psychomotor areas with specific attention to personal adjustment, prevocational, physical education, and vocational training* [R 340.1733(f)].

Instruction should be individualized and based upon the student's current ability level, interests, and individual needs. Individualization through a documented prescriptive format is recommended due to the short-term high transient nature of many court wards. A positive learning experience often evolves from the individualization of instruction and the understanding and management of a student's emotional needs. In addition to the above, documentation of the individualized student curriculum will provide valuable information to the local school district or agency at the time of a student's release from the facility.

Depending upon the student's needs, the curriculum employed in the program may include instruction in the following areas; Language Arts, Mathematics, Career Development, Physical Education, Industrial Arts, Home Economics, Arts and Crafts, Social Studies, Music, etc. It should also be noted that some students may be eligible for specialized programs in remedial reading or math through various state or federal projects such as ESEA Title I programs. Information concerning these possible options is available from public school personnel.

In implementing the curriculum, staff must be aware of various safety and security measures to be employed in the handling, maintenance, and inventorying of hand and power tools or objects within the programs that may be misused, abused, or stolen. Procedures should be developed to control the situation as much as possible, while at the same time allowing for instruction to occur in a positive, meaningful way.

Education programs and services shall be provided in areas of sufficient size and space relevant to the programs and services being provided in the juvenile detention facilities. Instructional materials, supplies, equipment and ancillary services necessary for implementing the education program shall be provided by the agency responsible for implementing the education program in the juvenile detention facility.

SUPPORT SERVICES

Support services to education programs in juvenile detention facilities are a necessary and integral component of the total program and in some instances, a direct service to the student. These services may be provided directly by the operating school district or the intermediate school district in which the juvenile detention facility is located or they may be provided as an adjunct service to the education program by the juvenile detention facility, the juvenile court or various community agencies.

The following information identifies the various support services that may be available by different agencies or organizations in the community. It should be noted that the ability to provide these services varies from county to county, and school district to school district.

The Operating School District

The school district operating the juvenile detention educational program is responsible for education support services for each handicapped child in the program, and for the program itself. These support services may consist of a school social worker, teacher consultant, diagnostic personnel, etc., as required. A handicapped person's IEP should outline the services that are determined to be appropriate for the student.

The Intermediate School District

The intermediate school district may be able to provide additional direct or indirect educational services to juvenile detention facilities based upon identified need, the interagency agreement, and the size and capability of the ISD. The use of the Special Education Learning Materials Center (SELMC) and Regional Educational Materials Centers (REMC) may facilitate the use of appropriate instructional materials (film, charts, etc.) as well as the loan of equipment for use with these materials. Additional services which may be provided by the ISD include school social work and school psychologist services as well as the services of teacher consultants and teachers of the speech and language impaired for special education eligible students.

The Juvenile Detention Facility

The juvenile detention facility may be able to provide additional assistance to the educational program through the use of support staff during crisis or emergency situations, paraprofessionals (child care workers) as teacher-aides, consultation, facilities (gym, etc.), and in joint planning for students and programs.

The Juvenile Court

The juvenile court may be able to provide various types of services directly or indirectly to the edu-

cation program as a result of their involvement with the student, the parents, and the community. Examples of these services include psychological testing, evaluation, casework services, and community re-entry. The juvenile court staff may also act in an advocacy role to effect appropriate educational support for school districts, particularly those that provide the educational programs within detention facilities.

Community Agencies

Effective planning also includes the involvement of individuals, organizations or agencies (other than those the school is financially obligated to provide) which may be able to provide assistance to the student or the student's parents. These include local transportation agencies, professional organizations, community mental health programs, military organizations, parent support groups, child and family services, child guidance clinics, leisure time activity programs, community youth groups, parent and community group volunteers, service clubs, community athletic programs, and employment organizations.

EDUCATION STAFF

The education staff should project a positive adult role model for all students in the juvenile detention facility. They should be able to demonstrate patience, flexibility, humor, creativity, and empathy. They should be able to work closely with other staff members, be self-motivated and have the ability to integrate basic subject matter into daily living and curriculum areas. They should be able to provide elementary and secondary education concepts in a meaningful way to all students in accordance with the student's education plan. Additional competency areas include diagnostic testing, preparing and implementing instructional objectives, utilizing alternative teaching methods, assessment of learning materials, preparing reports, communicating with other staff and knowledge of behavior management concepts and learning theory.

All teaching staff must be certified by the Department of Education. In addition, special education staff must meet the *qualifications of teachers and other personnel* requirements stated in the Special Education Rules. Student teaching, or subsequent teaching experience in an institutional setting would also be very helpful.

Special education staff employed by the public school to serve identified handicapped students within the facility may also serve non-handicapped persons in accordance with R 340.1757(d), which states:

> (d) *Special education reimbursed personnel may provide educational services for nonhandicapped persons placed in the facility, if the programs comply with both of the following:*
>
> (i) *They are under the supervision of a teacher approved in the area of the emotionally impaired.*
>
> (ii) *They have not more than 10 students in a class at any one time.*

Teacher aides or paraprofessionals working with teachers play an important role and function in the education program. The State Board of Education policy on non-certified personnel should be reviewed by the operating school district. (See Appendix A on page 21.) It would be to the aide's advantage if they had completed high school and had some college courses in the area of child development, juvenile delinquency, etc. It would also be advantageous if they had some previous experience working with juveniles in a school or institution setting prior to employment in the education program. Aides should possess personal characteristics which reflect an outgoing personality and a sense of humor. In addition, they should exhibit an understanding and acceptance of strengths and weaknesses of youth and serve as positive role models for these students. The operating district may request reimbursement of non-mandated aides in the juvenile detention facility. Reimbursement criteria can be obtained from the ISD or from the Special Education Services Area of the Department of Education.

The operating school district, in conjunction with the juvenile detention facility, should provide the education staff with inservice training options throughout the year in accordance with the training needs previously identified by the staff. In addition, program visitation within the facility by all staff members should be encouraged whenever possible. These visits should provide a greater awareness and understanding of the total progam and its delivery system of services for each child. A more com-

plete and consistent program can be developed if staff are knowledgeable about each component's method of operation and its impact on the functioning of the system as a whole.

Effective inservice training requires various activities to address the needs of staff and to strengthen their skills in working with difficult students. Examples of activities to consider include:

- visitation to other detention facilities to share progam ideas, materials, techniques, and allay the feeling of isolation.
- attendance at educational conferences.
- inservice opportunity for updating new rules or laws as they relate to educating youth in detention facilities.
- programs that describe the juvenile court procedures (i.e., rights of detained youth).
- Department of Social Services involvement with juvenile detention facilities.
- relationship of detention school program to intermediate and local school districts.
- instruction on protection of self from acting out students.

EDUCATION RECORDS

School districts that operate educational progams in juvenile detention facilities should establish specific written policies regarding confidentiality of education records maintained by the school agency. These policies should be developed in concert with R 340.1861 through R 340.1873 of the special educatic ı rules. It is suggested that the education records policy of the juvenile detention facility include a statement indicating that the juvenile detention facility will request education records from the youth's resident school district, as well as forward education records to school districts or agencies that have legitimate educational interests. This policy should be available for review by school districts that send or receive students from the juvenile detention facilities.

In addition to the school district policy, the operating school district should have a written agreement with the juvenile court that operates the juvenile detention facility which specifies the information to be obtained and shared between staff, the circumstances involved and limitations for sharing this information with other schools or agencies.

R 340.1757 requires the operating school district to notify the sending school district that the student is in the juvenile detention facility, as well as to transmit an education report, with parental consent, to the receiving school upon the student's return to the community. The process for obtaining parental consent for the above requirements can be strengthened and implemented via the court intake procedures. This requires the operating district to prepare the appropriate parent consent form, request that the court intake worker discuss the procedure with the parent, and request that the parent sign the statement regarding transmittal of education records (i.e., transcript, IEP, report card). In the event that the parent or guardian is unable or unwilling to sign the consent form, the court appointed worker may be authorized to act in loco parentis since the child is under the jurisdiction of the court and sign the consent form in place of the parent or guardian.

With the parent's consent, students terminating their education programs at juvenile detention facilities will have an education report forwarded to the appropriate school upon release. Each education program will specify what the report will contain based on the length of stay, the number of hours in the education program, and the number of classes/courses completed during the stay. High school credit should be stated where appropriate.

Education reports for each student leaving the juvenile detention facility shall be sent by certified mail to the superintendent of the district of residence, with the consent of the parent, within five school days from the date of release from the facility [R 340.1757(c)]. It should be noted that only education reports should be sent. All other information (treatment or program) relating to the student or the facility should be disposed of in accordance with established policy. In situations where the operating school can transmit the education report to the superintendent via interschool mailing, or through less expensive methods, the operating district should state suggested procedures in a deviation request to the Special Education Services Area (SESA) for review.

FUNDING OPTIONS FOR EDUCATION PROGRAMS

Education programs operated by the local school district are eligible to recieve funding through the state aid act. As stated earlier, a school district may enter into a cooperative agreement with the juvenile court and the county commissioners to provide instructional service in the juvenile detention facility. Under this provision, the school district may employ language arts, mathematics, physical education, industrial arts, home eonomics, social studies, art, music or other categories of teachers to work in the facility. Under this option, the local school district is responsible for the administration of the program and would qualify for membership funds under Chapter 21 of the State School Aid Act to offset the cost of the program. In addition, local districts are also eligible to collect an additional half membership under Section 24 of the State School Aid Act for students whose parents or legal guardian reside in another school district. Public school districts may be eligible for federal funds under ESEA, Title I for neglected and delinquent youth. Intermediate school districts may operate the program and employ regular education personnel, but cannot receive state membership aid for students in regular education.

Additional funding is available for those education programs that operate a special education component. Local and intermediate districts may qualify to receive special education categorical reimbursement in addition to membership funds under Chapter 5 of the State Aid Act. In order to quality, the school district must operate the program and must employ special education teacher(s). The State Aid Act allows for special education categorical reimbursement for the added cost of the teacher(s) and related instructional materials and supplies. It may include reimbursement for special education teacher aides if a waiver is obtained from the Department of Education. The procedure for obtaining a waiver may be found in Appendix A. Handicapped students in juvenile detention facilities taught by a special education teacher may be counted for federal funds under Public Law 94-142. The only special education funded personnel who can work with regular education students in the facilities are teachers of the emotionally impaired.

The amount of state and federal funding may or may not be sufficient to operate the education program. In either case, a contract or agreement with the operating school district, the juvenile court, and the detention facility should be completed to clarify these issues. In the event that the total education expenses (from all sources) exceed the reimbursements, the operating district may want to consider an agreement that stipulates that excess costs will be the responsibility of the juvenile court. If the juvenile court agrees, the court may then request that the Department of Social Services reimburse the court (usually about 50% of costs) for expenses from the child care fund, thus reducing the cost to the county even further. The actual funding of the education program in the juvenile detention facility varies from year to year. The determination is based on the annual state aid formula, funding criteria which may be in effect during a particular year and the tax base of the school district operating the program. Therefore, the reader is directed to consult with the business manager of the operating school district for specific information related to funding. An example of the funding process described above is found in Appendix B.

PROGRAM EVALUATION

A major component of the education program in the juvenile detention facility is program evaluation. The evaluation, completed by the operating district, should indicate whether the program goals and objectives are being met, identify problems and recommend changes necessary to improve the program. If the education program receives special education funding, the program must comply with rules approved by the State Board of Education for Special Education Programs. These rules and recommended standards for compliance are presented in the Michigan Monitoring Manual.

In addition to evaluation items which are required, the operating school district is encouraged to develop their own evaluation instrument(s) that are applicable to their program. An example of a self-evaluation survey developed by the Kalamazoo Valley Intermediate School District is included in Appendix C.

APPENDICES

STATE OF MICHIGAN

DEPARTMENT OF EDUCATION

Lansing, Michigan 48909

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To: Local and Intermediate Directors of Special Education

From: Edward L. Birch, Director of Special Education

Subject: Reimbursement of Teacher Aides for the 1982-83 School Year

The legislature, in amending Section 51 of the State School Aid Act, limited state categorical reimbursement to salaries and other compensation paid to aides required in rules promulgated by the Department or as otherwise approved by the Department. Based upon input from the field, the parameters for approving nonmandated aides for the 1982-83 school year have been established by the Department. As a result of our request for input, 15 letters were received representing 42 local and intermediate administrators. The information received in these responses became the basis for changes in the parameters.

I. Aides to be Approved by the Department

School districts **will be** authorized to receive state categorical reimbursement for aides assigned to special education classroom programs or individual aides if they have received a written letter of approval from the Department of Education.

II. Teacher Aides that may be Reimbursed under a Waiver from the Department of Education

The Department is authorized under Section 51(3)(b) of the State School Aid Act to approve aides not required in the rules for reimbursement. The procedure used by the Department to grant such approval is referred to as a waiver.

A. Aides for Classroom Programs

1. Classrooms serving handicapped children from birth through 5 years of age operating under rules 40 through 44, 47 and 56 may request a waiver for one aide per classroom. With this allowance, all preschool programs are allowed one aide for each classroom.
2. Self-contained classrooms designed to serve autistic students and/or other severely emotionally impaired students where there is justification that an aide is needed to control behaviors.

a. Number, description, types of students including disability(s), age range, and other disability factors.

b. The approval area and name of the teacher who will be responsible for the supervision of the aide.

c. Intermediate school district's recommendation.

d. Reason or justification of need for an aide to be assigned to the program.

e. The Department will use the DS-4061 forms after the Fourth Friday to verify the information on class size for aides requested for the entire school year.

3. Classroom programs serving students who have a primary impairment so severe that they need a self-contained classroom the major part of the school day, **and** who have other significant secondary impairment(s). Each classroom must have a minimum full time equivalency of eight physically and otherwise health impaired, six visually impaired, eight emotionally impaired, and five hearing impaired within each category.

   Other factors to be considered are:

   a. Multiplicity of individual's handicaps within the assigned classroom.

   b. Number of other health care aides assigned to support staff working within the program.

   c. The number of existing aids already assigned within the particular categorical program (example: federally funded aides, etc.).

   d. Any other atypical characteristics which relate to the uniqueness of the program for which a waiver is being sought.

4. The Department **will not** grant waivers for educable mentally impaired or learning disabled programs serving students 6-25 years of age.

B. Health Care Aides for Individual Students

The Department will grant waivers to allow aides to be assigned to individual students when the student's physical or emotional problem is so severe that the student must have a health care aide in order to succeed in the classroom program. An aide is approved for an emotionally impaired student only when the child's behavior is such that an aide must be assigned on a full time basis to protect the health, safety, or welfare of the handicapped child and/or other children in the building. An aide for physically and otherwise health impaired students is approved only when the child has a severe management problem requiring individual assistance.

III. Procedures for Requesting Nonmandated Aides

A. Classroom Program Aides

1. Waiver requests should be submitted by each local educational agency to the intermediate school district for its review and recommendation.

   It is the responsibility of the ISD to review the request. In doing so, the ISD will: (1) insure that the request is consistent with the intermediate school district plan; (2) validate the

need; (3) recommend approval or disapproval; and (4) insure that all the required documentation is complete and send it to the Special Education Services Area, Michigan Department of Education.

2. The required documentation for classroom instructional aides includes the following:
   a. Number, description, types of students including disability(s), age range, and other disability factors.
   b. The approval area and name of the teacher who will be responsible for the supervision of the aide.
   c. Intermediate school district's recommendation.
   d. Reason or justification of need for an aide to be assigned to the program.
   e. The Department will use the DS-4061 forms after the Fourth Friday to verify the information on class size for aides requested for the entire school year.

   Only items a-c above must be submitted for requests for waiver for aides assigned to programs for students 0 thru 5 years of age. For all other program requests for aides, all five items must be submitted for documentation.

B. Aides for Individual Students

1. As in waivers for program aides, the same procedure should be used as discussed in III.A.1.
2. The required documentation for waivers for aides assigned to individual students is:
   a. Student's name, disability, age.
   b. A description of the physical impairment or behavioral problem. Specific indentificaton of the need for an aide to be assigned to the individual student.
   c. The approval area and name of the teacher or teacher consultant who will be responsible for the overall supervision of the student and the aide.
   d. Intermediate school district's recommendation.

C. The approval of waiver process is an ongoing activity. Realizing the changes that take place within any one school year, a classroom may not meet the criteria for an aide by the Fourth Friday or a student may move to a local district who needs one-to-one management from an aide. Should this happen, a request for waiver may be submitted. The date the Department receives the request will be the date from which funding will take place if the waiver is granted.

IV. Time Lines

School districts should have prior written approval before making an assignment. State aid **will not** be granted to school districts for any period of time in which personnel have been employed without Department approval.

Special Education Service Area staff will attempt to process requests for waivers within 20 work days of their request.

V. To assist you in your deliberation on the use of aides, the following is a list of aids which are authorized for reimbursement under the State School Aid Act for the 1981-82 school year:

Mandated Aides:

1. Instructional aides for programs for the severly mentally impaired under Rule 38.
2. Instructional aides for programs for the severely multiply impaired under Rule 48.
3. Teacher aides for programs for the trainable mentally impaired under Rule 39.
4. Aides for preprimary programs and services under Rules 54 and 55(c)(II)(III).

Other Aides:

1. Health care aides assigned to nurses working with the handicapped children, physical therapists, and occupational therapists as authorized in Rule 44.
2. Program assistants for programs for the severely mentally impaired under Rules 38 and 48 respectively.
3. Bilingual aides assigned to school psychologists, social workers, and teacher consultants to help in the diagnosis and evaluation of handicapped children as required through specific action in the IEPC process.
4. Transportation aides may be reimbursed under Chapter 7 of the State Aid Act and under Section 53 of the State School Aid Act when the child's behavior is such that an aide must be assigned on a full-time basis to protect the health, safety and welfare of the handicapped child and/or other children.

ELB/ct

Funding Options for Juvenile Detention Education Programs

(Permissive Band on 01 003)

Funding Source	LEA	ISD
Section 21 * (membership)	One membership for each student enrolled on 4th Friday is paid to districts that qualify to receive membership aid.	Restricted to special education students or regular students assigned to a teacher of the emotionally impaired, in a juvenile detention facility.
Section 24 *	1½ membership if the student is from another district and the operating district collects membership.	
Section 52 *	If a special education teacher is provided, handicapped students must have both an IEPC and an IEP on file. Non-handicapped students may be served by a teacher certified in the area of emotionally impaired.	
Section 53 *	Up to 100% of added cost is available for handicapped students whose parents reside in another intermediate district.	
P.L. 94-142	Funds are available for handicapped students who have an IEP on file and receive programs and/or services specified in the IEP.	
ESEA Title I for Neglect & Delinquent	ESEA requirement must be met and documented.	

* The State School Aid Act for 1981-82

Funding Options — "Example"

This example is based on R 340.1806 and uses the 1981-82 state aide formula. Additional information may be found in the Special Education Administrative Manual, Volume II, Finance Chapter. In this example, a FTE of five students is used.

Formula

1. Total allowable special education cost $30,000
2. MINUS
   a. gross membership allowance for 5 students at $1950 each ..... - $ 9,750
   b. added costs, special education categorical reimbursement at 22% of added costs ($20,250 x .22) ..... - $ 4,455
3. BALANCE not reimbursed ** $15,795

   This "BALANCE" is the total amount that the juvenile court would be responsible for (in this instance). The court could then request reimbursement from DSS for 50% of cost. Final court costs would then be $7,897.50 (50% of $15,795).

** The "Balance" does not include monies that may have been provided by the operating district, or the ISD.

Self (Program) Evaluation

The "Self-Evaluation" survey was developed by the Kalamazoo Valley Intermediate School District and was based on the input of twenty-five people, including students, teachers, child guidance workers, administrators, and caseworkers. Also used for reference was a dissertation by Paul C. Duran, "A Model Education Program for Juvenile Detention Homes in the United States", copyright 1979. (Respond with a yes or no to each question).

1. Are the teachers certified in their subject area of instruction? _____
2. Are the teachers certified in the emotionally impaired area? _____
3. Are staff positive role models for students? _____
4. Does the staff show motivation and initiative in their job performance? _____
5. Does staff demonstrate flexibility, patience, and caring in their relationships with students? _____
6. Does the leadership promote the identification and pursuit of program goals and objectives? _____
7. Are there a variety of materials and instructional methods used to address individual learning needs? _____
8. Is instruction flexible and paced to meet a wide range of individual needs? _____
9. Are achievement testing and other screening activities conducted to identify individual strengths and needs? _____
10. Does post-testing indicate that learning has occurred? _____
11. Does the class size allow for individualized instruction? _____
12. Does the curriculum include:

_____ Math	_____ Social studies
_____ Language arts	_____ Pre-vocational or living skills preparaton
_____ Arts/crafts	_____ GED study
_____ Physical education	_____ Science

13. Are a variety of activities available to supplement the formal academic curriculum? _____
14. Do daily behavior management procedures indicate that there is consistency of philosophy and operation between the school and the detention and treatment units? _____
15. Are reinforcements and consequences/punishments administered in a consistent, organized manner? _____

16. Are rules, responsibilities, and expectations of students clearly identified in the school and in individual classrooms? _____

17. Do students express a positive attitude toward school through consistent gain of points, tokens, or other indicators of cooperative behavior? _____

18. Do goals and objec ives of the program provide realistic direction for the short and long-term student? _____

19. Is there a network of communication established between the juvenile detention school and the juvenile court? _____

20. Is there a network of communication established between the juvenile detention school and the local schools? _____

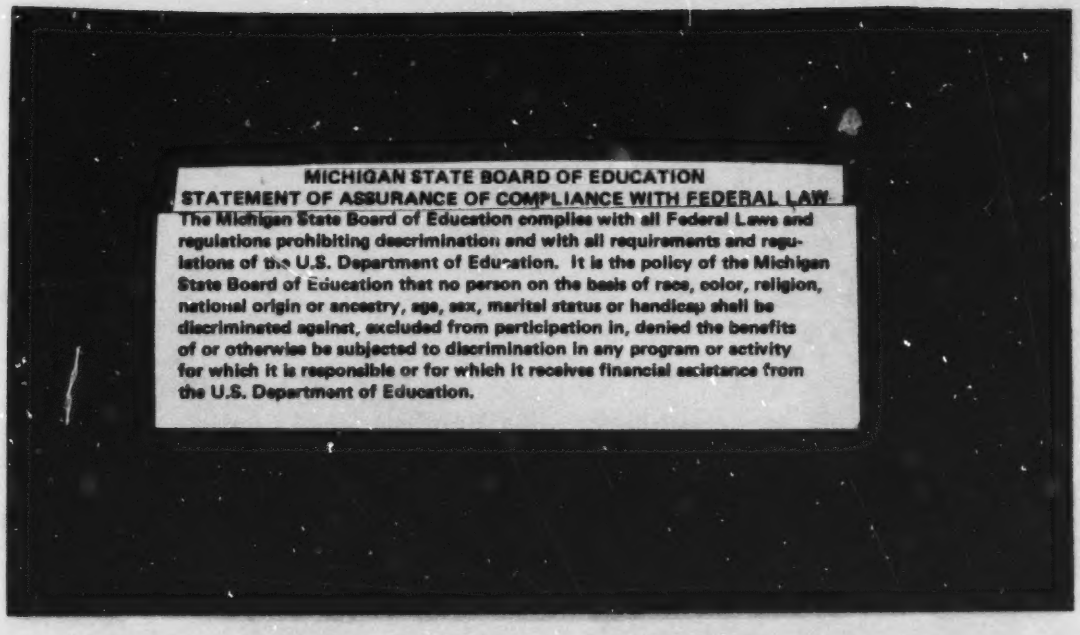
21. Is there a network of communication established with agencies, institutions, and other community placements for exchange of pertinent information? _____

22. Are grades and credit earned in the juvenile detention school accepted by the local schools for application toward graduation? _____

23. Does the school day meet the minimum standards of clock hours (900) and days (180) established by the State of Michigan School Code? _____

24. Are all mandates of the Special Education Code recognized and applied to the program operation? _____

25. Is there a stable funding source which provides stability and direction to the program? _____



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